

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 02-11280-RWZ

ARIAD PHARMACEUTICALS, INC., et al.

v.

ELI LILLY AND COMPANY

ORDER

May 25, 2004

ZOBEL, D.J.

Although they have tried hard, the parties are unable to resolve the terms of a proposed protective order. The sole issue remaining is whether Dr. Harvey Berger, the CEO of plaintiff Ariad Pharmaceuticals, Inc., shall be allowed access to defendant's technical documents termed confidential by defendant. Plaintiff explicitly does not seek access to business and marketing documents. After consideration of the parties' arguments, I agree with defendant that it is likely to be harmed if required to share the technical information implicated in this litigation. This ruling does not foreclose the parties from altering the confidentiality arrangement to assist in settlement negotiations.

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DATE

/s/ Rya W. Zobel

RYA W. ZOBEL

UNITED STATES DISTRICT JUDGE